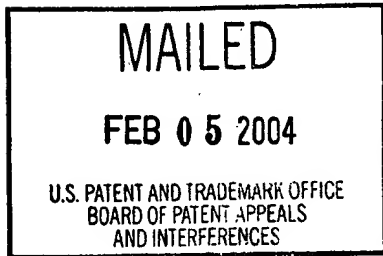


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NICK KALAGEROS, HOLLY GIANGRANDE,
ROCH TOLINSKI, CHARLIE HOPSON,
STEVEN FOSTER, LAURENT ARQUEVAUX,
RAINER GRIMM and CARMELO MONDELLO

Application No. 09/592,751

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 27, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellants filed an Appeal Brief on April 21, 2003 (Paper No. 15). On page 1 of the Brief, appellants state "[s]ubsequent to the filing of the Notice of Appeal on February 12, 2003, Appellant hereby submits its brief" and states that a check for the Brief fee is

Application No. 09/592,751

enclosed. However, there is no indication of a Notice of Appeal in the instant application. In the contents of the application, paper no. 15 is noted as "Notice of Appeal" when in fact, it is the Appeal Brief. Additionally, there is no indication that the fee for a Notice of Appeal has been paid. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) obtain a copy of the missing Notice of Appeal,
- (2) proper payment of the Notice of Appeal Fee, and
- (3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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RA04-0223